UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,332	04/06/2001	Michael Kelbaugh	723-1081	6939

7590   06/25/2004

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EXAMINER
RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/827,332	KELBAUGH ET AL.
	Examiner	Art Unit
	Satish S. Rampuria	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **03** MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 April 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-80</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-80</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>12/17/2001</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on 04/06/2001.

2. Claims 1-80 are pending.

Priority

3. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449 is attached to the instant Office action.

Claim objections

5. Claim 48 is objected to because of the following informalities:

Regarding claim 48, on line 6, after the word "menu" has twice period (.).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-8, 14-16, 18, 20-26, 28, 29, 35-37, 39-48, 54-56, 58, 60-69, 75-77, and 80 are

rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,167,358 to

Othmer et al., hereinafter called Othmer, in view of US Pub. No. 2002/0021272 to Zeh,

hereinafter called Zeh.

Per claim 1, 6, 18, 21, 22, 39, 41, 42, 47, and 58:

Othmer disclose:

- A method for processing and monitoring software bug related information for use in software package development (col. 2, lines 30-33 "a system and method for remotely monitoring a plurality of computer-based systems is provided which detects defects (bugs) or the usage of particular functions in a software application") comprising the steps of:

- accessing an Internet browser (col. 1, lines 25-27 "With the Internet, the process… testing requires… developer place the beta software application on its web site");

- accessing a bug tracking system using said Internet browser (col. 9, lines 5-7 "the server may interface with, communicate and share data with one or more existing bug tracking");

- processing user identification information including a password (col. 13, lines 59-60 "The server uses the user ID to associate static information with a particular client machine"); and

- accessing, in response to said user identification information (col. 14, lines 7-9 "The server uses the user ID to associate static information with a particular client machine and to keep a record about a particular user")

Othmer does not explicitly disclose at least one bug tracking related menu tailored to the user's role in the software development process.

However, Zeh discloses in an analogous computer system at least one bug tracking related menu tailored to the user's role in the software development process (page 1, paragraph 3, "As part of the testing process, game developers/publishers typically submit to the game machine company information setting forth various specifications of the game").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of displaying the setting information for testing the product as taught by Zeh into the method for monitoring the software bug as taught by Othmer. The modification would be obvious because of one of ordinary skill in the art would be motivated to provide the test settings or menu of the product to test the product for validity as suggested by Zeh (page 1, paragraph 5).

Per claims 2-5, 23-26, and 43-46:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, Othmer does not

explicitly disclose the user is a video game tester and wherein said step of accessing said bug

tracking related menu includes the step of accessing a bug tracking related menu tailored to

video game testers.

However, Zeh discloses in an analogous computer system the user is a video game tester

and wherein said step of accessing said bug tracking related menu includes the step of accessing

a bug tracking related menu tailored to video game testers (page 1, paragraph 17 "data entry

forms usable by game developers/publishers to provide game specification data to game

machine companies or others that test the games"). It would be obvious if the information is

accessible to testers then it should be accessible to the video game project coordinators, video

game developers, and video game translators.

The feature of bug tracking menu access to video game testers would be obvious for the

reasons set forth in the rejection of claim 1.

Per claims 7 and 28:

The rejection of claim 1, and 21 is incorporated, respectively, and further, Othmer disclose:

- accessing a master bug log identifying a plurality of bugs in a selected software package

  under development (col. 6, lines 55-60 "based on the large amount of black box

  information (e.g., the black boxes from the thousands of client computers that are using

  the beta browser software and have a nub), what caused the crash (i.e., a user error, a

web site error or a bug) and then provide, for a bug, a patch to each of the client computers running the new browser software")

Per claims 8, 29, and 48:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, Othmer disclose:

- accessing a database and retrieving data indicative of a plurality of bugs in a selected software package (col. 6, lines 55-60 "based on the large amount of black box information (e.g., the black boxes from the thousands of client computers that are using the beta browser software and have a nub), what caused the crash (i.e., a user error, a web site error or a bug) and then provide, for a bug, a patch to each of the client computers running the new browser software"); and

- sorting the bugs based upon any one of a plurality of sorting criteria selected by a user (col. 5, lines 28-30 "each data element in a black box... have a timestamp associated with it... user of the system... determine a sequence of events that occurred prior to a triggering event")

Per claim 14-16, 35-37, and 54-56:

The rejection of claim 1, 21, and 41 is incorporated, respectively, and further, Othmer disclose:

- transmitting a bug related message (col. 5, lines 11-12 "data gathered by the nub may be collected into a "black box" data structure 44 that may be transmitted over the communications link to the server")

Othmer does not explicitly disclose using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package.

However, Zeh discloses in an analogous computer system using an accessed bug related menu from a first user having a first role in developing said software package to a second user having a second role in developing said software package (page 1, paragraph 3, "As part of the testing process, game developers/publishers typically submit to the game machine company information setting forth various specifications of the game"). It would be obvious that testing process will be done by testers once the developers submit the specification of the application.

The feature of bug tracking menu access to video game testers would be obvious for the reasons set forth in the rejection of claim 1.

Per claims 20 and 60:

The rejection of claims 1 and 41 is incorporated, respectively, and further, Othmer does not explicitly disclose editing bug related information using said at least one bug tracking related menu.

However, Zeh discloses in an analogous computer system editing bug related information using said at least one bug tracking related menu (page 1, paragraph 17 "providing forms having required fields and data validation, the application ensures that all needed game specification data is provided").

The feature of editing bug related information would be obvious for the reasons set forth in the rejection of claim 1.

Claims 61,62 are the system claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claims 63-69 are the system claim corresponding to method claims 2-8, respectively, and rejected under the same rational set forth in connection with the rejection of claims 2-8, respectively above.

Claims 75-77 are the system claim corresponding to method claims 14-16, respectively, and rejected under the same rational set forth in connection with the rejection of claims 14-16, respectively above.

Claim 80 is the system claim corresponding to method claim 20 and rejected under the same rational set forth in connection with the rejection of claim 20 above.

8.   Claims 9-13, 30-34, 49-53 and 70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer, Zeh in view of US Pub. No. 2001/0049697 to Johndrew et al., hereinafter called Johndrew.

Per claims 9-13, 30-34, and 49-53:

The rejection of claims 8, 28, and 41 is incorporated, respectively, and further, neither Othmer nor Zeh explicitly disclose wherein said sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug.

However, Johndrew discloses in an analogous computer system sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug (page 3 and 4, paragraph 46 "FIG. 7 shows the data collected by the process of FIG. 6. Bug ID screen 700 includes the query component selection index 310, a bug

identifier header 705, a bug headline 710 and a release table 715. Bug identifier header 705

gives the bug identifier associated with the information on the screen... Bug headline 710

contains a short one line description of the bug... Column

725 indicates the status of the bug... Column 730 contains the date and time that software

fixing the bug").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of sorting/identifying bugs based on unique

identifiers as taught by Johndrew into the method for monitoring the software bug as taught in

the combination system by Othmer and Zeh. The modification would be obvious because of one

of ordinary skill in the art would be motivated to sort the bugs to provide complete bugs free

software application to client as suggested by Johndrew (page 1, paragraph 10).

Claims 70-74 are the system claim corresponding to method claims 9-13, respectively, and

rejected under the same rational set forth in connection with the rejection of claims 9-13,

respectively above.

9.   Claims 17, 38, 57, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Othmer, Zeh in view of **admitted prior art.**

Per claims 17, 38, and 57:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, neither Othmer

nor Zeh explicitly disclose attaching to a bug description a digitized video file for visually

displaying at least one screen display showing an identified bug.

However, **admitted prior art** discloses attaching to a bug description a digitized video file for visually displaying at least one screen display showing an identified bug (Applicant's specification, page 2, lines 9-11 "tester... associate a tester recorded sequence of game screen displays to provide a visual depiction of the error sequence")

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of displaying a digitized video file for visually displaying as taught in **admitted prior art**. The modification would be obvious because of one of ordinary skill in the art would be motivated to display the bug information which is would be for video game to have better understanding of the bugs found during testing as suggested in admitted prior art (pages 3, lines 4-12).

Claim 78 is the system claim corresponding to method claim 17 and rejected under the same rational set forth in connection with the rejection of claim 17 above.

10.   Claims 19, 40, 59, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Othmer, Zeh in view of US Patent No. 5,742,754 to Tse, hereinafter called Tse.

Per claims 19, 40, and 59:

The rejection of claims 1, 21, and 41 is incorporated, respectively, and further, neither Othmer nor Zeh explicitly disclose accessing a test plan identifying a plurality of tests to be performed with respect to an identified software package.

However, Tse discloses in an analogous computer system accessing a test plan identifying a plurality of tests to be performed with respect to an identified software package

(col. 4, lines 30-35 "where the user defines a software product for testing, a proper test suite, and a plurality of different computer hardware configurations for a software testing "job." The software product being tested may be any user provided software product").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of using test plan /suite to test software application as taught by Tse into the method for monitoring the software bug as taught in the combination system by Othmer and Zeh. The modification would be obvious because of one of ordinary skill in the art would be motivated to test the software application using test plan to verify the software is functioning as expected as suggested by Tse (col. 2, lines 43-59).

Claim 79 is the system claim corresponding to method claim 19 and rejected under the same rational set forth in connection with the rejection of claim 19 above.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to software/product testing and bug tracking.

US Patent No. 5,596,714 to Connell

US Patent No. 5,862,322 to Anglin et al.

US Patent No. 6,397,244 to Morimoto et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is 703-305-8891. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria

Patent Examiner

Art Unit 2124

06/28/2004

ANIL KHATRI
PRIMARY EXAMINER